

## **REMARKS/ARGUMENTS**

The Applicants have reviewed the Office Action dated June 16, 2008 and submit the following remarks. Claims 11-20 and 22-25 are pending in this application. Reexamination and reconsideration of this application in light of the following remarks is requested.

### **Claim Rejections - under 35 USC § 103(a)**

The Examiner rejected Claims 11-20 and 22-25 under 35 U.S.C. 103(a) as being anticipated by *Shapiro* (U.S. Patent 5,705,980) in view of *Ansaldi et al.* (U.S. Patent 6,343,206) (hereinafter “Ansaldi”) and Hall et al. (U. S. Patent 7,027,801) (hereinafter “Hall”). This rejection is respectfully traversed.

The Applicants traverse several of the Examiner’s assertions regarding the rejection of independent claims 11, 13, 14, 16, and 17. The following remarks use independent claim 11 as an example with an understanding that similar remarks apply to the corresponding limitations of the other pending independent claims.

Shapiro fails to teach “a set of ... devices consisting of a plurality of ... devices”

The Applicants assert that the Examiner remarks concerning the rejection of claim 11 fail to even describe the underlined portions of the following limitation of independent claim 11:

identifying, in response to the comparing, a set of wireless communications devices consisting of a plurality of wireless communications devices within the plurality of other wireless communications devices that satisfy the at least one individualized distance threshold within the respective profile for the first wireless communications device

The Examiner’s characterization of Shapiro is limited to citing “identifying a set of

wireless communications devices that satisfy at least one distance threshold.” Office Action dated June 16, 2008, page 2, fourth paragraph, citing Shapiro, FIG. 1, column 4, lines 31-67 and column 6, line 29-column 7, line 30. The Applicants assert that Shapiro is limited to teaching identifying only one device that satisfies a distance threshold, and that Shapiro fails to teach “a set ... consisting of a plurality of wireless communications devices ... that satisfy the at least one individualized distance threshold,” as is set forth by independent claim 11.

The cited portions of Shapiro teach selecting an officer “near the emergency location.” Shapiro, column 6, lines 11-14. This selected officer is described as the officer “closest to the signaling person.” Shapiro, column 7, lines 16-20. Shapiro then teaches that if a response is not received from that selected officer, “a next closest officer” is selected. Shapiro, column 6, lines 11-28, column 7, lines 42-44.

The Applicants assert that the processing of Shapiro only determines the “closest” or “next closest” officer. Shapiro never identifies “a set of wireless communications devices consisting of a plurality of wireless communications devices” that satisfy at least one distance threshold as is set forth by claim 11. The Applicants reassert that the Examiner has not cited any complete teaching of a “set of wireless communications devices” as is fully defined by the “identifying” limitation of claim 11, which specifies that the set consists “of a plurality of wireless communications devices within the plurality of other wireless communications devices that satisfy the at least one individualized distance threshold within the respective profile for the first wireless communications device.”

The Applicants assert that such a “set” is not taught or suggested by any of the cited references, either when taken alone or in any combination with one another.

Hall fails to teach “individualized distance thresholds” as defined by Independent claims

The Applicants traverse the Examiner’s assertion that Hall teaches the “maintaining” limitation of these claims. See, for example, Office Action dated June 16, 2008, rejection

of claim 11, page 3, first and second full paragraph, citing Hall, column 9, lines 13-56. The Applicants assert that Hall fails to teach “the respective profile for each of the plurality of wireless communications devices comprising at least one individualized distance threshold for each of the plurality of wireless communications devices,” as is set forth by claim 11.

To begin, the cited Hall reference itself has a filing date of December 26, 2001, which is after the May 14, 2001 filing date of the subject application. The Hall reference, however, does claim priority from U. S. Provisional Application 60/266,618, which has a filing date of February 6, 2001. The Applicants point out that any proper rejection based upon the Hall reference requires that cited teaching of the Hall reference to also be present, as defined by the first paragraph of 35 U.S.C. §112, in U. S. Provisional Application 60/266,618. See, MPEP §706.02(VI)(D). In particular, the Applicants assert that U. S. Provisional Application 60/266,618 fails to include any teaching or suggestion of a “distance threshold” and is limited to only teaching providers that provide services with a “cell area” in which a device is registered. U. S. Provisional Application 60/266,618 fails to include the below discussed “100 ft” distance discussion stated in the issued Hall patent.

With regards, to the cited Hall reference, the cited portion of Hall is limited to teaching the sending of messages to mobile terminals in response to events such as delayed flights or traffic congestion. Hall, column 9, lines 13-32. The cited portion of Hall then goes on to describe locating a mobile terminal by identifying the terminal’s location in a particular “picocell” and relaying that location information to a vendor “within a proximate distance of mobile terminal” so as to allow that vendor to send a message. Hall, column 9, lines 33-56, quotation at column 9, lines 44-45. The Applicants assert that these portions of Hall clearly fail to teach or even suggest “storing a respective profile for each of a plurality of wireless communications devices, the respective profile for each of the plurality of wireless communications devices comprising individualized distance threshold for each of the plurality of wireless communications devices” as was asserted in the rejection of claim 11.

Aside from the cited portions of Hall, another portion of the Hall reference does describe notifying vendors that are within 100 ft of the picocell within which the mobile terminal is registered. Hall, column 9, lines 57-61. The Applicants assert that this teaching of Hall falls short of the specified characteristics of the “maintaining” limitation of the independent claims. The teaching of vendors being “within 100 ft” of the picocell is not an “individualized distance threshold for each of the plurality of wireless communications devices,” as is set forth by the “maintaining” limitation of claim 11.

Although the teachings of Hall clearly fall short of teaching the claimed “maintaining” limitation, the Applicants assert that U. S. Provisional Application 60/266,618 fails to even include the “100 ft” distance of the Hall reference. As stated above, U. S. Provisional Application 60/266,618 (hereinafter referred to as “Hall Provisional Application”) itself fails to mention selecting vendors that are within any specified distance of a “cell area,” which is the term used in the Hall Provisional Application. The Hall Provisional Application describes notifying merchants operating in the cell area. See, for example, Hall Provisional Application, page 14. The Hall Provisional Application describes user preference information that the system stores for each user, but the user preference information of the Hall Provisional Application fails to include any type of distance information. See, for example, Hall Provisional Application, pages 32-33, 37-43 and 50-51.

Shapiro fails to teach the “sending” limitation of claim 11

With regards to claim 11, the Applicants traverse the Examiner’s assertion that Shapiro discloses “sending, to the first wireless communications device, the respective location and an identifier of each wireless communication device within the set.” Office Action dated June 16, 2008, page 2, fourth paragraph. The Applicants point out that the “computing” limitation of claim 11 specifies “computing distances between a location of the first wireless communications device and a respective location of each of at least one other wireless communication device. In applying the cited portion of Shapiro to claim 11, the Applicants assert that the “alarm unit 30” carried by “person 28” in Shapiro

corresponds to the “first wireless communication device” of claim 11. Shapiro, column 6, lines 60-65. The “set of wireless communications devices” of claim 11 therefore corresponds to the “security officer” or “specific pager unit 40” carried by the “security officer” that is receiving the assistance order signal. Shapiro, column 7, lines 17-25. The Applicants assert that in order to be a teaching of the “sending” limitation of claim 11, the system of Shapiro would be required to send “the respective location and an identifier” to “security officer” or “specific pager unit 40” carried by the “security officer” that is receiving the assistance order signal (which corresponds to “each wireless communication device within the set” of claim 11). The Applicants assert that the cited references fail to teach such a process, and therefore fail to teach or suggest the “sending” limitation of claim 11, particularly in the context of the other limitations of claim 11.

In other words, the “alarm unit 30” carried by “person 28” in Shapiro corresponds to the “first wireless communication device” of claim 11 and Shapiro never teaches or suggests sending location or identification information to the “alarm unit 30.” Sending location and identification information to the security officers of Shapiro fails to teach this aspect of claim 11, since Shapiro never determines distances between the “selected security officer” and “a plurality of other wireless communications devices,” as is required by claim 11.

No citation of “Plurality of Emergency Services” of claims, 14 and 17

With regards to the “sending” limitation of claims 14, and 17, the Applicants assert that Shapiro fails to disclose sending a message to a “plurality of emergency services that satisfy the at least one individualized distance threshold” as is set forth by independent claims 14 and 17. The Applicants further assert that the rejection of these claims fail to characterize Shapiro, or any other cited reference, as teaching this aspect of the invention. See, for example, Office Action dated June 16, 2008, page 3, last paragraph. The Shapiro reference is directed to sending a message to one selected receiver at a time, and does not contemplate sending a message to multiple receivers at all. The Applicants assert that the cited references fail to teach or suggest the combination of the “sending ... to the plurality of communication devices with the set,” in particular in conjunction with the

processing specified to obtain “the set” as is set forth by the “identifying” limitation.

#### Claim 19

With regards to the rejection of claim 19, the Applicants traverse the Examiner’s assertion that “Shapiro discloses that the respective location of each of at least one other wireless communication device is stored in a location database 94.” Office Action dated June 16, 2008, page 5, first full paragraph. The Applicants point out that no specific portion of the Shapiro reference has been identified as teaching the limitation of claim 19. The Applicants assert that Shapiro’s is completely void of such a teaching.

The Applicants point out that Shapiro is limited to determining the location of pager units 40 carried by police/security officers only in response to receiving an emergency signal. Shapiro, column 6, line 29 through column 7, line 20. Shapiro describes information stored in PROM 94 to include persons’ names, officers’ identities, unique digital codes, and perhaps a persons image. Shapiro column 4, lines 24-31 and 36-39, describing FIG. 4. In between these two statements, Shapiro describes that the person’s location is communicated “over the line 22 coupled between the security station processor 20 and paging facility 16.” Shapiro, column 4, lines 31-36. As is clear from FIG. 4 of Shapiro, “line 22” is clearly a separate input to “processor 20” relative to “PROM 94.” Shapiro teaches the person’s location to come from “line 22” and “paging facility 16” and there is no teaching or suggestion that the location comes from PROM 94, as is apparently asserted by the Examiner.

#### Claim 20

As understood by the Applicants, the Examiner is analogizing the “set” of claim 11 to the nearest “security officer” of Shapiro, since the security officer’s unit is the receiver of the location and identification information. Shapiro, column 7, lines 20-26. The Applicants assert that the Shapiro reference, taken either alone or in combination with the other cited prior art references, fails to teach or suggest any “selection” being made from this “set.” The “set,” as asserted by the Examiner, is the sole security officer that is closest to the alarm unit. There is no teaching or suggestion in Shapiro of making any further selection

from within this “set.” Since this “set” only has one element, making a selection would make no sense.

Furthermore, with regards to the “initiating” limitation of claim 20, the Applicants fail to see where the Shapiro reference ever teaches initiating communications between an “alarm unit 30” (the analogy of the “first wireless communications device” of claims 11 and 20 based upon the asserted teachings of the “computing” limitation of claim 11) and “the selected wireless communications device” within the meaning of a “selected wireless device” as defined by claim 20. As discussed above, the “set” consists of the sole security officer closes to the alarm unit. The “selected wireless communications device” must also be selected from this set of one. The alarm unit 30 of Shapiro only communicates with the “station” and the station then sends an “assistance order” (which is generated within the security station itself) regarding the alarm unit 30 to the nearest security officer. See, e.g., Shapiro, Abstract, column 7, lines 17-26. The Applicants fail to identify a teaching or suggestion by the Shapiro reference, taken either alone or in any combination with any of any other cited references, of any type of communications between the alarm unit 30 and the security officer units 40. Further, the Applicants assert that there is no teaching or suggestion of any such communications “in response to the step of receiving,” as is set forth by claim 20.

The Applicants further assert that the relay station of Shapiro cannot be a teaching of the selected wireless communications device. The Applicants assert that since the “selected wireless communications device” is selected “from within the set,” the relay station of Shapiro cannot be analogized to either of the wireless communications devices in the “initiating” limitation.

#### Claims 24 and 25

With regards to claim 24, the Applicants traverse the Examiner’s assertion that Shapiro teaches “performing, ..., a protocol conversion.” Office Action dated June 16, 2008, page 5, last paragraph. The cited portion of Shapiro teaches using a paging protocol and a “time of arrival” (TOA) technique to locate radios. Shapiro fails to teach or suggest a

“wireless communications device” that is “incompatible with the first wireless communications device,” as is set forth by claim 24. Shapiro further fails to mention any “protocol conversion” between such incompatible devices.

With regards to claim 25, the Applicants traverse the Examiner’s assertion that Shapiro teaches the “storing” and “retrieving” limitations of claim 25. As discussed above with regards to claim 19, Shapiro fails to teach or suggest storing any type of location of wireless communications devices. Furthermore, Shapiro, taken either alone or in combination with any other cited reference, fails to teach or suggest storing “a set of wireless communications devices consisting of a plurality of wireless communications devices that satisfy the at least one individualized distance threshold.” As also discussed above, such a “set” is never even determined by Shapiro. Shapiro further never even teaches storing the locations of the “wireless communications devices” that are selected in the course of its operation. The instantaneous location is only relayed to other devices. Shapiro, column 7, lines 14-26.

Furthermore, as described above, Independent claims 11, 14, and 17 distinguish over the cited references and therefore dependent claims 12, 15, 18-20 and 22-25, which all depend directly or indirectly from amended independent claims 11, 14, and 17, also distinguish over the cited references. The Applicants therefore assert that the rejection of these claims should be withdrawn and that the application is in condition for allowance.

### **Conclusion**

The foregoing is submitted as full and complete response to the Official Action mailed June 16, 2008, and it is submitted that Claims 11-20 and 22-25 are in condition for allowance. Reconsideration of the rejection and allowance of the subject application is requested.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §§ 1.56, all such information is dutifully made of record. The foreseeable



equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

The Commissioner is hereby authorized to change any fees that may be required or credit any overpayment to Deposit Account 50-1556.

**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

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